



Patent 1731
Attorney's Docket No. 021238-503 JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Patent Application of |) | MS AMENDMENT |
| Jay A FOURNIER et al. |) | |
| Application No.: 10/031,875 |) | Group Art Unit: 1731 |
| Filed: May 14, 2002 |) | Examiner: Dionne A. Walls |
| For: SMOKING ARTICLE WRAPPER |) | Confirmation No.: 8681 |
| WITH IMPROVED FILLER |) | |

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 19, 2004, the period for response having been extended until November 19, 2004 by a Petition for a Three Month Extension of Time submitted herewith, reconsideration is respectfully requested.

The only issue raised in the Official Action is the rejection of Claims 2, 4, 6, 18, 20, 22, 23 and 26 under the judicially created doctrine of obviousness-type double patenting over Claims 1, 5 and 10 of U.S. Patent No. 6, 615,840. Although Applicants do not acquiesce in this ground of rejection, submitted herewith is a Terminal Disclaimer which obviates the obviousness-type double patenting rejection over the '840 patent.

In view of the foregoing, it is submitted that the present application is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 17, 2004

By:  _____

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